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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,985	01/23/2004	Chang-Hyun Lee	5000-1-507	8233
33942	7590	11/08/2007		
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			EXAMINER KIM, DAVID S	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 11/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/763,985

Applicant(s)

LEE ET AL.

Examiner

David S. Kim

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 4-14.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE:

The Applicant's proposed amendment introduces limitations absent from the previous version of the claims. In doing so, the proposed amendment raises new issues related to a change in the scope of the claims. A proper and sufficient response to these new issues would require further consideration and/or search.

For example, at least one newly introduced limitation absent from the previous version of the claims is:

(from independent claim 6)

a plurality of secondary memory units having assigned storage areas, defined by an address, dependent upon the MPTS data associated with a corresponding subscriber in the first memory and

means for outputting the stored MPTS data to a corresponding one of the plurality of subscribers by said subscriber accessing said address in said secondary memory.

Continuation of 11. does NOT place the application in condition for allowance because:

35 U.S.C. 112

Applicant's response to the rejection of claims 6-9, 11, 13, and 14 under 35 U.S.C. 112, first paragraph (mailed on 27 July 2007), is noted and appreciated. Applicant responded by presenting an argument. Applicant's argument has been fully considered but is not persuasive. Applicant states,

"However, applicant believes that the term 'optical' is an appropriate term as the invention is directed to an optical system and elects not to amend the claims. The specification, as a whole, clearly teaches the conversion of electrical signals to optical signals and the transmission or reception of same" (REMARKS, p. 5, section item no. 1, 2nd to last paragraph).

Examiner agrees that "the specification, as a whole, clearly teaches the conversion of electrical signals to optical signals and the transmission or reception of the same". However, Examiner respectfully notes that the standing rejection does not reject the claims based on the lack of support in the disclosure for a *general* conversion of electrical signal to optical signals and the transmission or reception of the same. Rather, the standing rejection relies on the lack of support in the disclosure of *specific* instances of an optical signal and the lack of support in the disclosure of a *specific* converting by the MPTS data receiver of a received optical signal into an electrical signal. Applicant's response does not clearly show how the disclosure supports these *specific* limitations in independent claim 6. Accordingly, Applicant's argument is not persuasive, and Examiner respectfully maintains the standing rejection of claims 6-9, 11, 13, and 14 under 35 U.S.C. 112, first paragraph.

Continuation of 13. Other:

35 U.S.C. 112

Applicant's response to the rejection of claims 8, 9, and 14 under 35 U.S.C. 112, first paragraph (mailed on 27 July 2007), is noted and appreciated. Applicant responded by presenting a proposed amendment that amends some of the limitations of claim 8 and then incorporates these amended limitations of claim 8 into independent claim 6. Applicant's proposed amendment would overcome the previous ground of rejection (enablement of "storage areas" being transmittable) if it were entered.

Applicant's response to the rejection of claims 10 and 11 under 35 U.S.C. 112, first paragraph (mailed on 27 July 2007), is noted and appreciated. Applicant responded by presenting a proposed amendment that cancels claim 10 and amends claim 11: Applicant's proposed amendment would overcome the previous ground of rejection (written description of "an HDLC packet of a size of 64 byte to 1024 byte of a ATM payload") if it were entered.